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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,491	05/16/2006	Philippe Ouziel	TD/4-22984/A/PCT	3427
324	7590	09/23/2010	EXAMINER	
BASF Corporation Patent Department 500 White Plains Road P.O. Box 2005 Tarrytown, NY 10591			AHVAZI, BIJAN	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			09/23/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/579,491	<b>Applicant(s)</b> OUZIEL ET AL.	
	<b>Examiner</b> BIJAN AHVAZI	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 1796

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 18, 2010 has been entered.
2. Claims 1-12 are pending.
3. Claims 1-5, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gerendas *et al.* (Pat. No. US 3,963,714) in view of Bartl *et al.* (WO 03/012194 A1).
4. Claims 6-10, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gerendas *et al.* (Pat. No. US 3,963,714) and Bartl *et al.* (WO 03/012194 A1) as applied to claim 1 above, and further in view of Perrin *et al.* (Pat. No. US 4,180,664).
5. Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin *et al.* (Pat. No. US 4,180,664) in view of Gerendas *et al.* (Pat. No. US 3,963,714) and Bartl *et al.* (WO 03/012194 A1).

### ***Claim Rejections - 35 USC § 103***

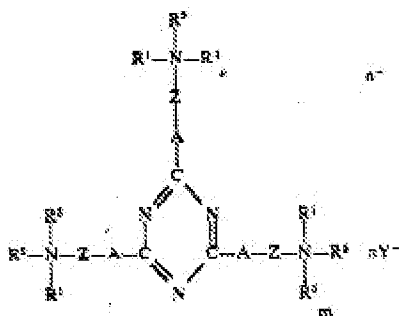
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerendas *et al.* (Pat. No. US 3,963,714) in view of Bartl *et al.* (WO 03/012194 A1, the English

equivalent of this reference which is US Pub. No. 2004/0163189 A1 will be used as the English translation of said reference).

Regarding claims 1-3, 5 and 11, Gerendas *et al.* teach a compound of the formula used as retarders in dyeing anionic polyacrylonitrile fibers with basic dyes (Col. 1, lines 5-6)



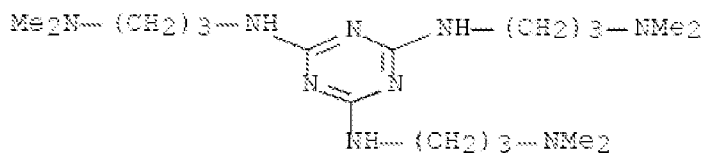
wherein A is an oxygen atom or a group of the formula RN< in which R is hydrogen or alkyl of 1 to 4 carbon atoms, R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are, each independently straight-chain or branched optionally hydroxysubstituted alkyl of 1 to 30 carbon atoms optionally interrupted by oxygen or nitrogen or benzyl or chlorobenzyl or R<sup>1</sup> and R<sup>2</sup> together form alkylene of 4 to 6 carbon atoms, k and m are, each independently, zero or 1, Z is optionally hydroxy- or methyl-substituted alkylene of 2 to 6 carbon atoms optionally interrupted by oxygen, Y<sup>-</sup> is a monovalent organic or inorganic anion or is the x-th part of a x-valent organic or inorganic anion, n equals the sum of 1 + k + m, provided that the total number of carbon atoms in R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> is from 9 to 60 and the total number of carbon atoms in R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> of at least one ammonium group is not less than 5 (Col. 6, lines 22-54). Gerendas *et al.* do not expressly teach the fibre is natural or synthetic polyamide fibre materials, wherein the polyamide fibre material is in the form of microfibrils. .

Art Unit: 1796

However, Bartl *et al.* teach a method for dyeing and/or printing textile material containing non-split and/or at least partially split micro-fibres and/or micro-filaments, composed of at least one polyamide component and optionally at least one additional polymer component (Page 1, ¶ 0001).

Perrin *et al.* and Bartl *et al.* are analogous art because they are from the same field of endeavor, namely that of method of increasing the depth of shade of dyed fibre materials. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the method of increasing the depth of shade of dyed fibre materials by applying a compound as set forth by Gerendas *et al.* to natural or synthetic polyamide fiber in the form of microfibrils as taught by Bartl *et al.* and would have been motivated to do so with reasonable expectation that this would result in providing a reliable and economical method for controlling dyeing process and effectiveness of quaternary ammonium salts, derived from the derivatives of triazine where shades are concerned as taught by Bartl *et al.* (Page 1, ¶ 0007).

Regarding claim 4, Gerendas *et al.* teach special quaternary ammonium salts, derived from 2,4,6-tris-(aminoalkylamino) derivatives of triazine, used as retarders in dyeing anionic polyacrylonitrile fibers with basic dyes (Col. 1, lines 3-6).



Art Unit: 1796

8. Claims 6-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerendas *et al.* (Pat. No. US 3,963,714) and Bartl *et al.* (WO 03/012194 A1) as applied to claims 1-5, and 11 above, and further in view of Perrin *et al.* (Pat. No. US 4,180,664).

Regarding claims 6-10 and 12, Gerendas *et al.* and Bartl *et al.* teach the method of increasing the depth of shade of dyed fibre materials features as discussed above. Gerendas *et al.* and Bartl *et al.* do not expressly teach a method (i) wherein the compound of formula as set forth is present in the liquor in an amount of from 0.01 to 15 % by weight, based on the weight of the polyamide fibre material, (ii) wherein the fibre material is treated before the dyeing (iii) wherein the treatment with the liquor comprising the compound of formula as set forth is carried out at a temperature of from 20 to 130°C, (iv) wherein the pretreatment is carried out at a pH of from 7 to 13, (v) wherein the treatment with the liquor comprising the compound of formula as set forth is carried out in accordance with the exhaust process.

However, Perrin *et al.* teach a process for improving the color yield and fastness properties of dyeing produced with anionic dyes on cellulose fiber material, to the liquors used for carrying out this process, which contain cationic fiber-reactive compounds as fixing agent before, during or after dyeing, with a cationic fiber-reactive, to the fibrous material treated in accordance with this process, and also to the novel cationic fiber-reactive compounds themselves and to a process for their manufacture (Col. 1, lines 7-16). The treatment liquors contain the compound of the formula (1) preferably in an amount between 0.1 and 20% by weight, in particular between 0.5 and 10% by weight, referred to the weight of the cellulose material, or, in padding liquors, of 1 to 100 g/l, preferably 10 to 50 g/l, of padding liquor, whilst the squeezing effect in the padding process is advantageously 60 to 90% by weight (Col. 5, lines 47-54) corresponding to the instant applicants' limitation claim 6.

Art Unit: 1796

Perrin *et al.* teach the treatment of the cellulose material with the cationic compound of the formula as set forth is effected preferably by a padding process, in which the material is first impregnated with the fixing agent, for example by slop-padding or printing, and then subjected to a fixing process. This application can be carried out before, during or after the dyeing (Col. 5, lines 16-21). It is preferred to carry out the treatment before or during the dyeing (Col. 5, lines 21-23) corresponding to the instant applicants' limitation claim 7. The treatment of the cellulose material can also be effected before or during the dyeing by the exhaustion process. In this case it is possible to carry out the process at temperatures in the range between 20° and 100° C (Col. 5, lines 39-42) corresponding to the instant applicants' limitation claim 8. The process is therefore carried out preferably in a strongly dilute aqueous medium under as mild temperature and pH conditions as possible, advantageously at temperatures between 0° and 50 °C and pH values between 6 and 8, preferably in the presence of agents which neutralize mineral acid, for example sodium carbonate or sodium hydroxide (Col. 5, lines 8-15) corresponding to the instant applicants' limitation claim 9.

Furthermore, Perrin *et al.* teach the treatment of the cellulose material can also be effected before or during the dyeing by the exhaustion process. In this case it is possible to carry out the process at temperatures in the range between 20° and 100° C (Col 5, lines 39-42) corresponding to the instant applicants' limitation claim 10. In addition to the cationic reactive compound of the formula (1), these liquors also contain alkali, for example sodium carbonate, sodium bicarbonate, sodium hydroxide or alkali donors, for example sodium trichloroacetate, and also, if appropriate, further additives, such as urea, thickeners, for example alginates, or polyacrylates, or salts, for example sodium chloride, or wetting agents (Col. 5, lines 55-62) corresponding to the instant applicants' limitation claim 12.

Art Unit: 1796

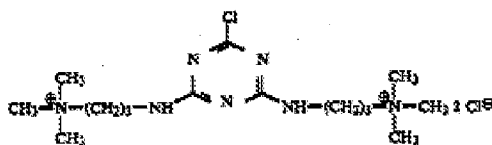
Gerendas *et al.*, Bartl *et al.* and Perrin *et al.*, are analogous art because they are from the same field of endeavor, namely that of method of increasing the depth of shade of dyed fibre materials. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the method of increasing the depth of shade of dyed fibre materials by applying a compound as set forth by Gerendas *et al.* to natural or synthetic polyamide fiber in the form of microfibres by Bartl *et al.* so as to include the steps of dyeing at specific temperature and pH ranges as taught by Perrin *et al.* and would have been motivated to do so with reasonable expectation that this would result in providing a reliable and economical method for controlling dyeing process and effectiveness of quaternary ammonium salts, derived from the derivatives of triazine where shades are concerned with increased marked improvement in the color yield both of dyeing on fibre material and wetfastness properties at taught by Perrin *et al.* (Col. 1, lines 41-46).

9. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin *et al.* (Pat. No. US 4,180,664) in view of Gerendas *et al.* (Pat. No. US 3,963,714), and Bartl *et al.* (WO 03/012194 A1, the English equivalent of this reference which is US Pub. No. 2004/0163189 A1 will be used as the English translation of said reference).

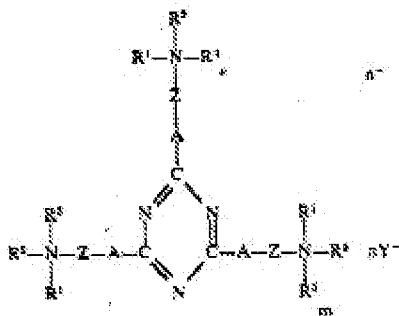
Regarding claims 1-5, and 11, Perrin *et al.* teach a process for improving the color yield and fastness properties of dyeing produced with anionic dyes on cellulose fiber material, to the liquors used for carrying out this process, which contain cationic fiber-reactive compounds as fixing agent before, during or after dyeing, with a cationic fiber-reactive, to the fibrous material treated, and also to the novel cationic fiber-reactive compounds themselves and to a process for their manufacture (Col. 1, lines 7-16) using a reactive fixing agent of the formula as shown

Art Unit: 1796

below (Col. 8, lines 47-58, Example 4). Perrin *et al.* do not expressly teach the fibre is natural or synthetic polyamide fibre materials and where X and Y in the compound of formula (1) are  $\text{NR}_3\text{R}_4$ , wherein  $\text{R}_3$  and  $\text{R}_4$  are, each independently of the other, hydrogen or  $\text{C}_1\text{-C}_{12}$  alkyl moieties.



However, Gerendas *et al.* teach a compound of the formula used as retarders in dyeing anionic polyacrylonitrile fibers with basic dyes (Col. 1, lines 5-6)



wherein A is an oxygen atom or a group of the formula  $\text{RN}<$  in which R is hydrogen or alkyl of 1 to 4 carbon atoms,  $\text{R}^1$ ,  $\text{R}^2$  and  $\text{R}^3$  are, each independently straight-chain or branched optionally hydroxysubstituted alkyl of 1 to 30 carbon atoms optionally interrupted by oxygen or nitrogen or benzyl or chlorobenzyl or  $\text{R}^1$  and  $\text{R}^2$  together form alkylene of 4 to 6 carbon atoms, k and m are, each independently, zero or 1, Z is optionally hydroxy- or methyl-substituted alkylene of 2 to 6

Art Unit: 1796

carbon atoms optionally interrupted by oxygen,  $Y^-$  is a monovalent organic or inorganic anion or is the  $x$ -th part of a  $x$ -valent organic or inorganic anion,  $n$  equals the sum of  $1 + k + m$ , provided that the total number of carbon atoms in  $R^1$ ,  $R^2$  and  $R^3$  is from 9 to 60 and the total number of carbon atoms in  $R^1$ ,  $R^2$  and  $R^3$  of at least one ammonium group is not less than 5 (Col. 6, lines 22-54).

Perrin *et al.* and Gerendas *et al.* are analogous art because they are from the same field of endeavor, namely that of method of increasing the depth of shade of dyed fibre materials. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the method of increasing the depth of shade of dyed fibre materials by Perrin *et al.* so as to include quaternary ammonium salts, derived from 2,4,6-tris-(aminoalkylamino) derivatives of triazine as taught by Gerendas *et al.* and would have been motivated to do so with reasonable expectation that this would result in providing a reliable and economical method for controlling dyeing process and effectiveness of quaternary ammonium salts, derived from the derivatives of triazine where shades are concerned as taught by Gerendas *et al.* (Col. 1, lines 14-15).

Neither Perrin *et al.* nor Gerendas *et al.* teaches natural or synthetic polyamide fibre materials, wherein the polyamide fibre material is in the form of microfibres. However, Bartl *et al.* teach a method for dyeing and/or printing textile material containing non-split and/or at least partially split micro-fibres and/or micro-filaments, composed of at least one polyamide component and optionally at least one additional polymer component (Page 1, ¶ 0001).

Perrin *et al.*, Gerendas *et al.* and Bartl *et al.* are analogous art because they are from the same field of endeavor, namely that of method of increasing the depth of shade of dyed fibre materials. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the method of increasing the depth of shade of dyed fibre materials by Perrin *et*

Art Unit: 1796

*al.* with quaternary ammonium salts by of Gerendas *et al.* so as to include applying the liquor composition to natural or synthetic polyamide fiber in the form of microfibres as taught by Bartl *et al.* and would have been motivated to do so with reasonable expectation that this would result in providing a reliable and economical method for controlling dyeing process and effectiveness of quaternary ammonium salts, derived from the derivatives of triazine where shades are concerned as taught by Bartl *et al.* (Page 1, ¶0007).

Regarding claim 6, Perrin *et al.* teach the method of increasing the depth of shade of dyed natural or synthetic polyamide fibre materials, wherein the treatment liquors contain the compound of the formula (1) preferably in an amount between 0.1 and 20% by weight, in particular between 0.5 and 10% by weight, referred to the weight of the cellulose material, or, in padding liquors, of 1 to 100 g/l, preferably 10 to 50 g/l, of padding liquor, whilst the squeezing effect in the padding process is advantageously 60 to 90% by weight (Col. 5, lines 47-54).

Regarding claim 7, Perrin *et al.* teach the method of increasing the depth of shade of dyed natural or synthetic polyamide fibre materials wherein the treatment of the cellulose material with the cationic compound of the formula as set forth is effected preferably by a padding process, in which the material is first impregnated with the fixing agent, for example by slop-padding or printing, and then subjected to a fixing process, wherein the application can be carried out before, during or after the dyeing (Col. 5, lines 16-21). It is preferred to carry out the treatment before or during the dyeing (Col. 5, lines 21-23).

Regarding claim 8, Perrin *et al.* teach the method of increasing the depth of shade of dyed natural or synthetic polyamide fibre materials wherein the treatment of the cellulose

Art Unit: 1796

material can also be effected before or during the dyeing by the exhaustion process. In this case it is possible to carry out the process at temperatures in the range between 20° and 100° C (Col. 5, lines 39-42).

Regarding claim 9, Perrin et *al.* teach the method of increasing the depth of shade of dyed natural or synthetic polyamide fibre materials wherein the process is therefore carried out preferably in a strongly dilute aqueous medium under as mild temperature and pH conditions as possible, advantageously at temperatures between 0° and 50 °C and pH values between 6 and 8, preferably in the presence of agents which neutralize mineral acid, for example sodium carbonate or sodium hydroxide (Col. 5, lines 8-15).

Regarding claim 10, Perrin et *al.* teach the method of increasing the depth of shade of dyed natural or synthetic polyamide fibre materials wherein the treatment of the cellulose material can also be effected before or during the dyeing by the exhaustion process. In this case it is possible to carry out the process at temperatures in the range between 20° and 100° C (Col 5, lines 39-42).

Regarding claim 12, Perrin et *al.* teach the method of increasing the depth of shade of dyed natural or synthetic polyamide fibre materials wherein in addition to the cationic reactive compound of the formula (1), these liquors also contain alkali, for example sodium carbonate, sodium bicarbonate, sodium hydroxide or alkali donors, for example sodium trichloroacetate, and also, if appropriate, further additives, such as urea, thickeners, for example alginates, or polyacrylates, or salts, for example sodium chloride, or wetting agents (Col. 5, lines 55-62).

Art Unit: 1796

**Response to Arguments**

10. Applicant's arguments filed 02/18/2010 have been fully considered but they are not persuasive.

In response to applicant's argument that Gerendas *et al.* teach the use of quaternary ammonium salts as a retarder in the dyeing of polyacrylonitrile fibers, thus the method treats a completely different substrate (polyacrylonitrile fibers) with a completely different compound (quaternary ammonium salt).

The Examiner respectfully disagrees. The recited compound of formula in Perrin *et al.* and Gerendas *et al.* references are similar to the recited claimed in the instant application, because the reaction of amine group depending on the acids used can be converted to their conjugate bases by reaction with bases derived from weaker acids (stronger bases), thus the recited formula (1) in liquor solution as claimed would be the same as recited compound by Perrin *et al.* and Gerendas *et al.*. The applicant is invited to submit any declaration under 37 CFR 1.132 to overcome the rejection based upon reference applied under 35 U.S.C. 103 (a) as set forth in this Office action to compare their invention product (i.e. the method of increasing the depth of shade of dyed natural or synthetic polyamide fibre materials) and show the method is actually different from and unexpectedly better than the combined teachings of the references such as Perrin *et al.* in view of Gerendas *et al.* and Bartl *et al.*

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 1796

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, neither Perrin *et al.* nor Gerendas *et al.* teaches natural or synthetic polyamide fibre materials, wherein the polyamide fibre material is in the form of microfibres. However, Bartl *et al.* teach a method for dyeing and/or printing textile material containing non-split and/or at least partially split micro-fibres and/or micro-filaments, composed of at least one polyamide component and optionally at least one additional polymer component (Page 1, ¶ 0001).

Perrin *et al.*, Gerendas *et al.* and Bartl *et al.* are analogous art because they are from the same field of endeavor, namely that of method of increasing the depth of shade of dyed fibre materials. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the method of increasing the depth of shade of dyed fibre materials by Perrin *et al.* with quaternary ammonium salts by of Gerendas *et al.* so as to include applying the liquor composition to natural or synthetic polyamide fiber in the form of microfibres as taught by Bartl *et al.* and would have been motivated to do so with reasonable expectation that this would result in providing a reliable and economical method for controlling dyeing process and effectiveness of quaternary ammonium salts, derived from the derivatives of triazine where shades are concerned as taught by Bartl *et al.* (Page 1, ¶ 0007).

Art Unit: 1796

11. This is a continuation of applicant's earlier Application No.10/579,491. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Examiner Information***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijan Ahvazi, Ph.D. whose telephone number is (571)270-3449. The examiner can normally be reached on M-F 8:0-5:0. (Off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

Art Unit: 1796

either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BA/  
Bijan Ahvazi,  
Examiner  
Art Unit 1796

/Harold Y Pyon/  
Supervisory Patent Examiner, Art Unit 1796

09/03/2010